

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Darwin and Shirley Pfaffinger, PO Box 266, Forsyth, MT 59327
2. Type of action: Application to Change a Water Right 42KJ 30152592
3. Water source name: Groundwater
4. Location affected by project: Sections 9, 13, 23, 24, 26, 27, 33, and 34, T7N, R37E, Sections 19 and 20, T7N, R38E, Treasure County
5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:
The Applicant proposes to add three points of diversion. One of the new points of diversion is a well currently permitted under Provisional Permit 42KJ 84383-00 and Groundwater Certificate 42KJ 92842-00. One of the new points of diversion is currently permitted under Groundwater Certificate 42KJ 92842-00. The Applicant proposes to withdraw redundant and overlapping water rights if this change is authorized. The Applicant proposes one new well. There would be four points of diversion, one well in each of SWSWNW, NWNWSE, and SWSWNE Section 34, and SESENE Section 33, T7N, R37E. The Applicant proposes to add 12 places of use and retain the one existing place of use. Ten stock tanks exist at present and the Applicant proposes three additional stock tanks. The new place of use would be:
 1. SWSWNW SECTION 34 T7N, R37E
 2. SESESE SECTION 27 T7N, R37E
 3. NWSWSW SECTION 26 T7N, R37E
 4. NWSENE SECTION 26 T7N, R37E
 5. NESWNW SECTION 26 T7N, R37E
 6. SESESE SECTION 24 T7N, R37E
 7. NWSWSW SECTION 19 T7N, R38E
 8. NENWNW SECTION 20 T7N, R38E
 9. SESWNE SECTION 27 T7N, R37E
 10. NESESW SECTION 9 T7N, R37E
 11. NWSWSW SECTION 23 T7N, R37E

12. NWNENW SECTION 13 T7N, R37E

13. NENESE SECTION 33 T7N, R37E

The addition of stock tanks will enable the producer to better utilize available grazing land. The DNRC shall issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)

Montana Department of Natural Resources and Conservation
Montana Department of Fish, Wildlife and Parks
Montana Department of Environmental Quality
United States Fish and Wildlife Service
United States Natural Resource and Conservation Service
Montana Heritage Program
Montana Sage Grouse Habitat Conservation Program

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity – The source of water supply is groundwater and therefore not classified as dewatered by the Montana Department of Fish, Wildlife and Parks. The groundwater source has been in use since 1910 and the use will not be increased. No additional effect to water quantity will result from the addition of points of diversion and stock tanks to a stock watering system. The groundwater appropriation causes depletions to the Yellowstone River, however, no change in diverted volume or timing is proposed and the depletion will not change.

Determination: No impact

Water quality – The groundwater is not listed as impaired by the Montana Department of Environmental Quality and the use of groundwater for stock watering has no potential to degrade groundwater quality.

Determination: No impact

Groundwater – Because the project is only to add points of diversion and stock tanks to an existing stock watering system, no increased groundwater use is proposed, and no degradation of groundwater quality is likely.

Determination: No impact

DIVERSION WORKS – Most of the pipelines from the wells to the new stock tanks are in place and buried. The locations of the new stock tanks have been used for watering cattle in the past. There will be new construction of pipeline to three new stock tanks. The construction and operation will not create barriers to migration or alter any stream flow or channel characteristics.

Determination: No impact

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species – According to the Montana Natural Heritage Program, there are no plant species of concern in the project area and eleven animal species of concern. Animal species of concern are the Black-tailed Prairie Dog, Little Brown Myotis, Great Blue Heron, Burrowing Owl, Greater Sage Grouse, Black-billed Cuckoo, Red-headed Woodpecker, Spiny Softshell, Snapping Turtle, Blue Sucker, and Sauger. The wells are on agricultural land and have been appropriating groundwater since 1910 and no additional impact would occur to any surface water sources. The existing pipeline is buried and creates no barriers. The proposed pipeline would also be buried. In a letter dated March 5, 2021, Carolyn Sime, Manager of the Montana Sage Grouse Habitat Conservation Program determined that the proposed activities were consistent with the program strategy.

Determination: No impact

Wetlands – The only wetlands in the area are reservoirs created by dams for stock water. No wetlands will be affected, and none are proposed.

Determination: No impact

Ponds – There are no ponds in the area. No ponds will be affected, and none are proposed.

Determination: No impact

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE – The project area covers several sections and a variety of soil types. The dominant soils are Hoven and McKenzie soils, Pierre-Lismas clays, Lismas-Pierre clays, and Marias-Hoven clays. These soils are alkaline and saline. Addition of stock tanks has no probability of degrading soils, altering their moisture content, or leading to saline seep.

Determination: No impact

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS – Existing vegetative cover is native grasses, Grazing has a limited potential to alter native vegetation, but the addition of stock tanks allows the effects of grazing to be less concentrated allowing grasses to recover. It will be the responsibility of the landowner to control and prevent the spread of noxious weeds.

Determination: No significant impact

AIR QUALITY – Addition of stock tanks to a stock watering system has no potential to alter air quality.

Determination: No impact

HISTORICAL AND ARCHEOLOGICAL SITES – The project is not located on State or Federal Lands.

Determination: Not applicable

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY – The requirement of pumping water to the additional stock tanks will use energy. No other demands on environmental resources of land, water, and energy will be changed.

Determination: No significant impact

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS – There are no known locally adopted environmental plans and goals.

Determination: No impact

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES – There are no local wildness or recreation areas and no access of any sort through the project area.

Determination: No impact

HUMAN HEALTH - Addition of stock tanks to a stock watering system has no potential to affect human health.

Determination: No impact

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No X___ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

- (a) Cultural uniqueness and diversity? No significant impact
- (b) Local and state tax base and tax revenues? No significant impact
- (c) Existing land uses? No significant impact
- (d) Quantity and distribution of employment? No significant impact
- (e) Distribution and density of population and housing? No significant impact
- (f) Demands for government services? No significant impact
- (g) Industrial and commercial activity? No significant impact
- (h) Utilities? No significant impact
- (i) Transportation? No significant impact
- (j) Safety? No significant impact
- (k) Other appropriate social and economic circumstances? No significant impact

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts: No secondary impacts are recognized.

Cumulative Impacts: No cumulative impacts are recognized.

3. *Describe any mitigation/stipulation measures:* None

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:* The only viable alternative to the proposed project is the no-action alternative. The no-action alternative does not prevent any significant environmental impacts and prevents the applicant from increasing the efficiency of his operation and maximizing the use of grazing land.

PART III. Conclusion

1. *Preferred Alternative:* Issue a change authorization if an applicant proves the criteria in 85-2-402 MCA are met.

2 ***Comments and Responses:*** None

3. ***Finding:***

Yes___ No X___ *Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: An environmental assessment is the appropriate level of analysis because no significant impacts were recognized or likely from the addition of points of diversion and stock tanks to an existing stock watering system.

Name of person(s) responsible for preparation of EA:

Name: Mark Elison

Title: Regional Manager

Date: 7/6/2021